



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Competition
Health Care Division

October 13, 2021

The Honorable Denise Cote
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1910
New York, NY 10007

Re: *FTC, et al. v. Vyera Pharmaceuticals, LLC, et al.*, 1:20-cv-00706 (DLC)

Dear Judge Cote:

I write on behalf of Plaintiffs to respectfully request a modification related to the pre-trial filings due on October 20, 2021 to accommodate confidentiality issues. The parties have conferred, and Defendants join in this request.

The Court's April 1, 2021 Order (ECF No. 409) requires the parties to file the Joint Pretrial Order, along with memoranda of law and proposed findings of fact and conclusions of law. Daubert motions are to be filed on the same day. These filings cite to evidence that has been designated as "Confidential" or "Highly Confidential" by a wide range of producing parties. Under Paragraph 8 of the Stipulated Protective Order entered in this case (ECF No. 92), the parties must seek leave of the Court if they intend to make any filings that disclose the substance of Confidential or Highly Confidential Material, requiring the redaction of such materials.

In the interest of reducing the number and breadth of potential motions to seal, the parties respectfully request that the Court modify Paragraph 8 of the Stipulated Protective Order for the limited purposes of the pre-trial filings, and the April 1, 2021 Order to adopt the following process. On October 20, 2021, the parties will serve all of the pre-trial papers required by the April 1, 2021 Order with a copy to the Court. After the October 20 materials are served, the parties will notify all non-parties whose Confidential or Highly Confidential documents and testimony are at issue, and meet and confer as needed to resolve any disputes. The parties request that the Court set a deadline of November 10, 2021 by which any non-party or party seeking a redaction of materials that implicate their documents or testimony must make its application to the Court. The parties then propose that once all claims of confidentiality have been resolved, the parties be permitted five business days to prepare and file the redacted versions of the pre-trial papers.

Sincerely,

/s/ Markus H. Meier

Markus H. Meier
Assistant Director